

**§ 35.11 Waiver of notice requirement.**

Upon application and for good cause shown, the Commission may, by order, provide that a rate schedule, tariff, or service agreement, or part thereof, shall be effective as of a date prior to the date of filing or prior to the date the rate schedule or tariff would become effective in accordance with these rules. Application for waiver of the prior notice requirement shall show (a) how and the extent to which the filing public utility and purchaser(s) under such rate schedule or tariff, or part thereof, would be affected if the notice requirement is not waived, and (b) the effects of the waiver, if granted, upon purchasers under other rate schedules. The filing public utility requesting such waiver of notice shall serve copies of its request therefor upon all purchasers.

[Order 271, 28 FR 10573, Oct. 2, 1963, as amended by Order 714, 73 FR 57532, 57533, Oct. 3, 2008]

**Subpart B—Documents To Be Submitted With a Filing****§ 35.12 Filing of initial rate schedules and tariffs.**

(a) The letter of a public utility transmitting to the Commission for filing an initial rate schedule or tariff shall list the documents submitted with the filing; give the date on which the service under that rate schedule or tariff is expected to commence; state the names and addresses of those to whom the rate schedule or tariff has been mailed; contain a brief description of the kinds of services to be furnished at the rates specified therein; and summarize the circumstances which show that all requisite agreement to the rate schedule or tariff or the filing thereof, including any contract embodied therein, has in fact been obtained. In the case of coordination and interchange arrangements in the nature of power pooling transactions, all supporting data required to be submitted in support of a rate schedule or tariff filing shall also be submitted by parties filing certificates of concurrence, or a representative to file supporting data on behalf of all

parties may be designated as provided in § 35.1.

(b) In addition, the following material shall be submitted:

(1) Estimates of the transactions and revenues under an initial rate schedule. This shall include estimates, by months and for the year, of the quantities of services to be rendered and of the revenues to be derived therefrom during the 12 months immediately following the month in which those services will commence. Such estimates should be subdivided by classes of service, customers, and delivery points and shall show all billing determinants, e.g., kw, kwh, fuel adjustment, power factor adjustment. These estimates will not be required where they cannot be made with relative accuracy as, for example, in cases of interconnection arrangements containing schedules of rates for emergency energy, spinning reserve or economy energy or in cases of coordination and integration of hydroelectric generating resources whose output cannot be predicted quantitatively due to water conditions.

(2)(i) Basis of the rate or charge proposed in an initial rate schedule or tariff and an explanation of how the proposed rate or charge was derived. For example, is it a standard rate of the filing public utility; is it a special rate arrived at through negotiations and, if so, were unusual customer requirements or competitive factors involved; and is it designed to produce a return substantially equal to the filing public utility's overall rate of return or is it essentially an increment cost plus a share of the savings rate? Were special cost of service studies prepared in connection with the derivation of the rate?

(ii) A summary statement of all cost (whether fully distributed, incremental or other) computations involved in arriving at the derivation of the level of the rate, in sufficient detail to justify the rate, shall be submitted with the filing, except that if the filing includes nothing more than service to one or more added customers under an established rate of the utility for a particular class of service, such summary statement of cost computations is not required. In all cases, the Secretary is authorized to require the submission of the complete cost studies as part of the

### § 35.13

filing and each filing public utility shall submit the same upon request by the Secretary in such form as he or she shall direct.

(3) A comparison of the proposed initial rate with other rates of the filing public utility for similar wholesale for resale and transmission services.

(4) If any facilities are installed or modified in order to supply the service to be furnished under the proposed rate schedule or tariff, the filing public utility shall show on an appropriate available map (or sketch) and single line diagram the additions or changes to be made.

(5) In support of the design of the proposed rate, the filing public utility shall submit the same material required to be furnished pursuant to § 35.13(h)(37) Statement BL. In addition to the summary cost analysis required by Statement BL, the public utility shall also submit a complete explanation as to the method used in arriving at the cost of service allocated to the sales and service for which the rate or charge is proposed, and showing the principal determinants used for allocation purposes. In connection therewith, the following data should be submitted:

(i) In the event the filing public utility considers certain special facilities as being devoted entirely to the service involved, it shall show the cost of service related to such special facilities.

(ii) Computations showing the energy responsibility of the service, based upon considerations of energy sales under the proposed rate schedule or tariff and the kWh delivered from the filing public utility's supply system.

(iii) Computations showing the demand responsibility of the service, and explaining the considerations upon which such responsibility was determined (e.g., coincident or non-coincident peak demands, etc.).

(Federal Power Act, 16 U.S.C. 792-828c; Department of Energy Organization Act, 42 U.S.C. 7101-7352; E.O. 12009, 42 FR 46267; Pub. L. 96-511, 94 Stat. 2812 (44 U.S.C. 3501 *et seq.*))

[Order 271, 28 FR 10573, Oct. 2, 1963, as amended at 28 FR 11404, Oct. 24, 1963; Order 537, 40 FR 48674, Oct. 17, 1975; Order 91, 45 FR 46363, July 10, 1980; Order 714, 73 FR 57532, Oct. 3, 2008]

### 18 CFR Ch. I (4-1-12 Edition)

#### § 35.13 Filing of changes in rate schedules, tariffs or service agreements.

##### CONTENTS

- (a) General rule.
  - (1) Filing for any rate schedule change not otherwise excepted.
  - (2) Abbreviated filing requirements.
  - (3) Cost of service data required by letter.
- (b) General information.
- (c) Information relating to the effect of the rate schedule change.
- (d) Cost of service information.
  - (1) Filing of Period I data.
  - (2) Filing of Period II data.
  - (3) Definitions.
  - (4) Test period.
  - (5) Work papers.
  - (6) Additional information.
  - (7) Attestation.
- (e) Testimony and exhibits.
  - (1) Filing requirements.
  - (2) Case in chief.
  - (3) Burden of proof.
- (f) Filing by parties concurring in coordination and interchange arrangements.
- (g) Commission precedents and policy.
- (h) Cost of service statements.
  - (1) AA—Balance sheets.
  - (2) AB—Income statements.
  - (3) AC—Retained earnings statements.
  - (4) AD—Cost of plant.
  - (5) AE—Accumulated depreciation and amortization.
  - (6) AF—Specified deferred credits.
  - (7) AG—Specified plant accounts (other than plant in service) and deferred debits.
  - (8) AH—Operation and maintenance expenses.
  - (9) AI—Wages and salaries.
  - (10) AJ—Depreciation and amortization expenses.
  - (11) AK—Taxes other than income taxes.
  - (12) AL—Working capital.
  - (13) AM—Construction work in progress.
  - (14) AN—Notes payable.
  - (15) AO—Rate for allowance for funds used during construction.
  - (16) AP—Federal income tax deductions—interest.
  - (17) AQ—Federal income tax deductions—other than interest.
  - (18) AR—Federal tax adjustments.
  - (19) AS—Additional state income tax deductions.
  - (20) AT—State tax adjustments.
  - (21) AU—Revenue credits.
  - (22) AV—Rate of return.
  - (23) AW—Cost of short-term debt.
  - (24) AX—Other recent and pending rate changes.
  - (25) AY—Income and revenue tax rate data.
  - (26) BA—Wholesale customer rate groups.
  - (27) BB—Allocation demand and capability data.